

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

Case No.: 08-M-051 (DRH/GLS)

DIANE FERRETTI,

Defendant.

ORDER

The defendant, Diane Ferretti, by her attorney, having moved this Court for an order finding Diane Ferretti mentally incompetent to stand trial;

An examination of Diane Ferretti having been conducted at the Metropolitan Correctional Center in Chicago, Illinois by Dr. John A. Pindelski, and a written report of that examination having been received by the Court on June 10, 2008, recommending that Diane Ferretti be found incompetent to stand trial;

A hearing on the motion having been conducted on June 16, 2008, and the government having made no objection to Dr. Pindelski's findings and conclusions;

A Report-Recommendation of United States Magistrate Judge David R. Homer having issued on June 16, 2008, recommending that:

1. In accordance with 18 U.S.C. § 4241(d), defendant Diane Ferretti be found to be suffering presently from a mental disease rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense;
2. Defendant Diane Ferretti be committed to the custody of the Attorney General for

treatment in a suitable hospital facility; and

3. In accordance with 18 U.S.C. § 4241(d)(1), a further hearing be held within four months to determine whether there is a substantial probability that in the foreseeable future, defendant Diane Ferretti will attain the capacity to permit the trial of the above-captioned case to proceed;

and

No objections to the Report-Recommendation having been made by the parties;

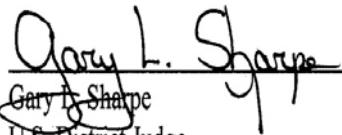
WHEREFORE, this Court adopts the Report-Recommendation in its entirety for the reasons stated therein and finds that, in accordance with 18 U.S.C. § 4241(d), defendant Diane Ferretti suffers presently from a mental disease rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense; and it is hereby

ORDERED that Defendant Diane Ferretti be committed to the custody of the Attorney General for treatment in a suitable hospital facility; and it is further

ORDERED that, in accordance with 18 U.S.C. § 4241(d)(1), a further hearing be held within four months to determine whether there is a substantial probability that in the foreseeable future, defendant Diane Ferretti will attain the capacity to permit the trial of the above-captioned case to proceed.

IT IS SO ORDERED

DATED: August 7, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge